



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive

P.O. Box 36800

Billings, Montana 59107-6800

<http://www.mt.blm.gov/>

MTM 91295

## Notice of Competitive Lease Sale Oil and Gas

**November 27, 2001**

The Montana State Office is holding a competitive oral sale of Federal lands in the States of Montana, North Dakota and South Dakota for oil and gas leasing. We are enclosing a list that includes the parcel numbers, legal land descriptions and corresponding stipulations. The list is also available on the Internet at:  
<http://www.mt.blm.gov/oilgas>.

### **When and where will the sale take place?**

**When:** The competitive sale begins at 9:00 a.m. on Tuesday, November 27, 2001. The sale room opens at 8:00 a.m. for registration and assignment of bidder numbers.

**Where:** We will hold the sale at the Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana. Parking is available.

**Access:** The sale room is accessible to persons with disabilities. If you need a sign language interpreter or materials in an alternate format, please tell us no later than one week before the sale. You may contact Joan Seibert at (406) 896-5093 or Elaine Kaufman at (406) 896-5108.

### **How do I register as a bidder?**

Before the sale starts, you must complete a bidder registration form to obtain a bidding number. The forms are available at the registration desk.

### **What is the sale process?**

Starting at 9:00 a.m. on the day of the sale:

- the auctioneer offers the parcels in the order they are shown on the attached list;
- registered bidders make oral bids on a per-acre basis for all acres in a parcel;
- the winning bid is the highest oral bid equal to or exceeding the minimum \$2.00 bid;
- the decision of the auctioneer is final; and
- names of high bidders (lessees) remain confidential until the results list is available.

If a parcel contains fractional acreage, round it up to the next whole acre. For example, a parcel of 100.48 acres requires a minimum bid of \$202 (101 acres x \$2).

If the United States owns less than 100 percent of the oil and gas rights in a parcel, we will issue the lease for the percentage of interest the United States owns. You must calculate your bid and advance rental payment on the gross acreage in the parcel. For example, if the U.S. owns 50 percent of the oil and gas in a 100.48 acre parcel, the minimum bid is \$202 (101 acres x \$2) and the advance rental due is \$151.50 (101 acres x \$1.50).

What conditions apply to the lease sale?

- **Parcel withdrawal or sale cancellation:** We reserve the right to withdraw any or all parcels before the sale begins. If we withdraw parcels or cancel a sale, we will post a notice in the Montana State Public Records and Information Center and announce the withdrawn parcels at the sale.
- **Lease terms:** Leases issue for a primary term of 10 years. They continue beyond the primary term as long as the lease is producing in paying quantities or receiving production from another source. Rental is \$1.50 per acre for the first 5 years (\$2 per acre after that) until production begins. Once a lease is producing, we charge a royalty of 12.5 percent on the production removed or sold from the lease. You will find other lease terms on our standard lease form (Form 3100-11, June 1988 or later edition).
- **Stipulations:** Some parcels are subject to surface use restrictions or conditions affecting how you conduct operations on the lands. The stipulations become part of the lease and replace any inconsistent provisions of the lease form.
- **Bid form:** On the day of the sale, successful bidders must submit a properly completed lease bid form (Form 3000-2, October 1989 or later edition) along with their payment. The bid form is a legally binding offer to accept a lease and all its terms and conditions. When the prospective lessee or an authorized representative signs the bid form, they certify the lessee meets the conditions of 43 CFR 3102.5-2 and complies with 18 U.S.C. 1860, a law that prohibits unlawful combinations, intimidation of bidders, and collusion among bidders. You cannot withdraw your bid.
- **Payment:**
  - **minimum due by 4:00 p.m. on day of sale:**
    - Bonus bid deposit of \$2.00 per acre or fraction thereof;
    - First year's rent of \$1.50 per acre or fraction thereof except for future interest parcels; and
    - \$75 nonrefundable administrative fee
  - **remaining balance due by 4:00 p.m. on December 11, 2001.**
    - If you don't pay in full by this date, you lose the right to the lease and all the money you paid the day of the sale. We may offer the parcel in a future sale.
- **Method of payment:** You can pay by:
  - personal check;
  - certified check;
  - money order; or
  - credit card (Visa, Mastercard, American Express or Discover).

Make checks payable to: **Department of the Interior-BLM.** We do not accept cash. If you previously paid us with a check backed by insufficient funds, we will require a guaranteed payment, such as a certified check.

- **Lease issuance:** After we receive the bid forms and all monies due, we can issue the lease. The lease effective date is the first day of the month following the month we sign it. We can make the lease effective the first day of the month in which we sign it, if you ask us in writing before we sign the lease.

**How can I find out the results of this sale?**

We post the sale results in the Montana State Office Public Room and the Internet at: <http://www.mt.blm.gov/oilgas>. You can buy a \$5/\$10 printed copy of the results list from the Public Records and Information Center.

**How do I file a noncompetitive offer after the sale?**

Lands that do not receive a bid and are not subject to a pre-sale offer are available for a two-year period beginning the day after the sale. To file a noncompetitive offer, you must submit:

- three copies of standard lease form (Form 3100-11, June 1988 or later edition) with lands described as specified in our regulations at 43 CFR 3110.5;
- \$75 non-refundable administrative fee; and
- first year's advance rental (\$1.50 per acre or fraction thereof)

Place offers filed on the day of the sale and the first business day after the sale in the drop box in the Public Records and Information Center. We consider those offers simultaneously filed. When a parcel receives more than one filing by 4 p.m. on the day after the sale, we will hold a drawing to determine the winner. Offers filed after this time period, receive priority according to the date and time of filing in this office.

**How do I file a noncompetitive pre-sale offer?**

Under our regulations at 43 CFR 3110.1(a), you may file a noncompetitive pre-sale offer for lands that:

- are available; and
- have not been under lease during the previous one-year period; or
- have not been in a competitive lease sale within the previous two-year period.

Once we post a competitive sale notice, you cannot file a pre-sale offer for lands shown on the notice.

To file a pre-sale offer, you must submit:

- three copies of standard lease form (Form 3100-11, June 1988 or later edition) with lands described as specified in our regulations at 43 CFR 3110.5;
- \$75 non-refundable administrative fee; and
- first year's advance rental (\$1.50 per acre or fraction thereof)

If we don't receive a bid at the sale for the parcel(s) contained in your pre-sale offer, we will issue the lease. You can withdraw your offer prior to the date we sign your lease. Your pre-sale offer is your consent to the terms and conditions of the lease, including any additional stipulations advertised in the Competitive Sale Notice.

**Where can I obtain information pertaining to the individual Forest Service Stipulations?**

The applicable Forest Service Environmental Impact Studies (EIS) describe stipulations for parcels located within the administrative boundary of the Forest Service units. The Geographic Information System (GIS) maps of the stipulations may be viewed at the following Forest Service offices:

- The individual District Ranger's Office identified in the stipulation listing included with this sale notice,  
or
- The individual Forest Supervisor's Office identified in the stipulation listing included with this sale notice,  
or
- Forest Service, Region One Office, 200 East Broadway, Missoula, Montana

**How do I nominate lands for future sales?**

- file a letter with this office describing the lands you want put up for sale;
- file a pre-sale offer

**Who should I contact if I have a question?**

For more information, contact Trish Cook at (406) 896-5110 or by FAX at (406) 896-5292.

**When is the next competitive oil and gas lease sale scheduled in Montana?**

We are tentatively holding our next competitive sale on January 29, 2002.

Karen L. Johnson, Chief  
Fluids Adjudication Section

**OFFICIAL POSTING DATE MUST BE ON OR BEFORE OCTOBER 12, 2001**

The official posting date will be noted on the copy posted in the Information Access Center of the Bureau of Land Management, Billings, Montana.

**PUBLIC NOTICE**

Any noncompetitive offers received for lands that are listed on the Notice from the time the list is officially posted in the Montana State Office Public Room until the first business day following the completion of the sale will be rejected as unavailable for filing as per 43 CFR 3110.1(a)(ii).

THE FOLLOWING NOTICE WILL BE ATTACHED TO ALL ISSUED LEASES

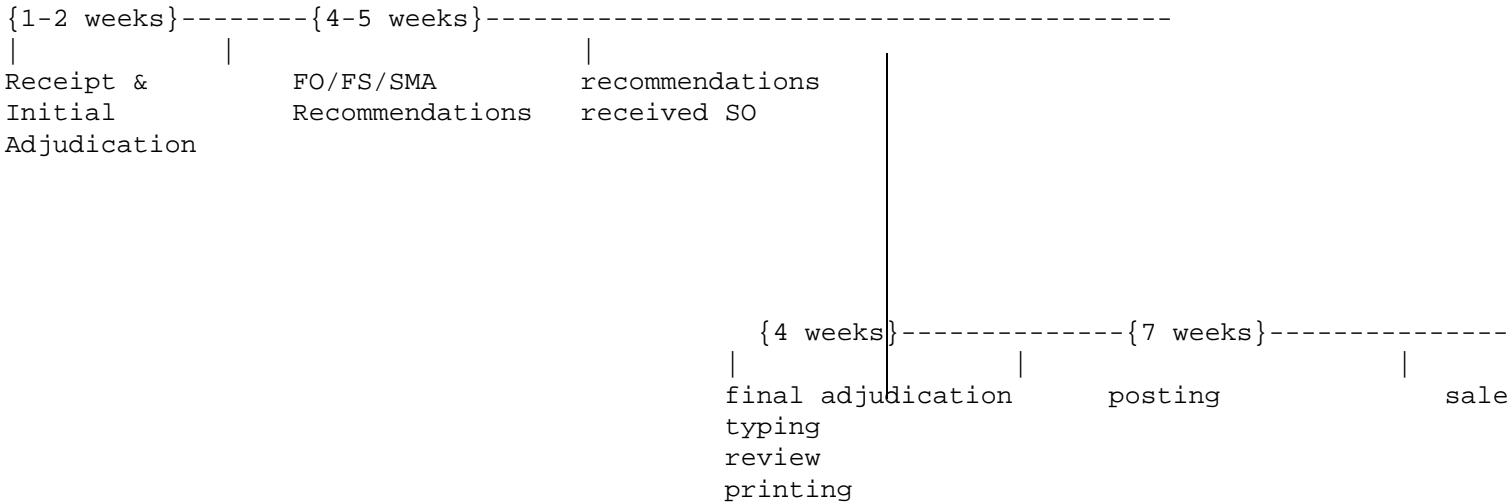
**NOTICE TO LESSEE**

**Provisions of the Mineral Leasing Act (MLA) of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, affect an entity's qualifications to obtain an oil and gas lease. Section 2(a)(2)(A) of the MLA, 30 U.S.C. 201(a)(2)(A), requires that any entity that holds and has held a Federal coal lease for 10 years beginning on or after August 4, 1976, and who is not producing coal in commercial quantities from each such lease, cannot qualify for the issuance of any other lease granted under the MLA. Compliance by coal lessees with Section 2(a)(2)(A) is explained in 43 CFR 3472.**

**In accordance with the terms of this oil and gas lease with respect to compliance by the initial lessee with qualifications concerning Federal coal lease holdings, all assignees and transferees are hereby notified that this oil and gas lease is subject to cancellation if: (1) the initial lessee as assignor or as transferor has falsely certified compliance with Section 2(a)(2)(A) or (2) because of a denial or disapproval by a State Office of a pending coal action, i.e., arms-length assignment, relinquishment, or logical mining unit, the initial lessee as assignor or as transferor is no longer in compliance with Section 2(a)(2)(A). The assignee or transferee does not qualify as a bona fide purchaser and, thus, has no rights to bona fide purchaser protection in the event of cancellation of this lease due to noncompliance with Section 2(a)(2)(A).**

**Information regarding assignor or transferor compliance with Section 2(a)(2)(A) is contained in the lease case file as well as in other Bureau of Land Management records available through the State Office issuing this lease.**

**TIMELINE TO PROCESS EXPRESSIONS OF INTEREST (EOI)  
OR PRESALE OFFERS**



**Total time required to process EOI/Offer  
4-5 months {16-18 weeks}**

SMA-Surface Management Agency  
ie: Forest Service, Bureau of Reclamation  
FO-BLM Field Office FS-BLM Field Office  
SO-Montana State Office

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**Bureau of Land Management**  
**P. O. Box 36800**  
**Billings, Montana 59107**

**OIL AND GAS LEASE STIPULATIONS**

**ESTHETICS**--To maintain esthetic values, all surface-disturbing activities, semipermanent and permanent facilities may require special design including location, painting and camouflage to blend with the natural surroundings and meet the intent of the visual quality objectives of the Federal Surface Managing Agency (SMA).

**EROSION CONTROL**--Surface-disturbing activities may be prohibited during muddy and/or wet soil periods.

**CONTROLLED OR LIMITED SURFACE USE STIPULATION** --This stipulation may be modified, consistent with land use documents, when specifically approved in writing by the Bureau of Land Management (BLM) with concurrence of the SMA. Distances and/or time periods may be made less restrictive depending on the actual onground conditions. The prospective lessee should contact the SMA for more specific locations and information regarding the restrictive nature of this stipulation.

The lessee/operator is given notice that the lands within this lease may include special areas and that such areas may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and/or other resources. Possible special areas are identified below. Any surface use or occupancy within such special areas will be strictly controlled, or **if absolutely necessary**, excluded. Use or occupancy will be restricted only when the BLM and/or the SMA demonstrates the restriction necessary for the protection of such special areas and existing or planned uses. Appropriate modifications to imposed restrictions will be made for the maintenance and operations of producing oil and gas wells.

After the SMA has been advised of specific proposed surface use or occupancy on the leased lands, and on request of the lessee/operator, the Agency will furnish further data on any special areas which may include:

100 feet from the edge of the rights-of-way from highways, designated county roads and appropriate federally-owned or controlled roads and recreation trails.

500 feet, or when necessary, within the 25-year flood plain from reservoirs, lakes, and ponds and intermittent, ephemeral or small perennial streams; 1,000 feet, or when necessary, within the 100-year flood plain from larger perennial streams, rivers, and domestic water supplies.

500 feet from grouse strutting grounds. Special care to avoid nesting areas associated with strutting grounds will be necessary during the period from March 1, to June 30. One-fourth mile from identified essential habitat of state and federal sensitive species. Crucial wildlife winter ranges during the period from December 1 to May 15, and in elk calving areas during the period from May 1 to June 30.

300 feet from occupied buildings, developed recreational areas, undeveloped recreational areas receiving concentrated public use and sites eligible for or designated as National Register sites.

Seasonal road closures, roads for special uses, specified roads during heavy traffic periods and on areas having restrictive off-road vehicle designations.

On slopes over 30 percent or 20 percent on extremely erodable or slumping soils.

**See Notice on Back**

Standard(May 2001)

## NOTICE

**APPLICATIONS FOR PERMIT TO DRILL (APDs)**--The appropriate BLM field offices are responsible for the receipt, processing, and approval of APDs. The APDs are to be submitted by oil and gas operators pursuant to the requirements found in Onshore Oil and Gas Order No. 1 -- Approval of Operations on Onshore Federal and Indian Oil and Gas Leases (Circular No. 2538). Additional requirements for the conduct of oil and gas operations can be found in the Code of Federal Regulations Title 43, Part 3160. Copies of Onshore Oil and Gas Order No. 1, and pertinent regulations, can be obtained from the BLM field offices in which the operations are proposed. Early coordination with these offices on proposals is encouraged.

**CULTURAL AND PALEONTOLOGICAL RESOURCES**--The SMA is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the SMA, shall:

1. Contact the appropriate SMA to determine if a site-specific cultural resource inventory is required. If an inventory is required, then:
2. Engage the services of a cultural resource specialist acceptable to the SMA to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the SMA for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the SMA. Mitigation may include the relocation of proposed lease-related activities or other protective measures such as testing salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the SMA, surface occupancy on that area must be prohibited.

The operator shall immediately bring to the attention of the SMA any cultural or paleontological resources discovered as a result of approved operations under this lease, and not disturb such discoveries until directed to proceed by the SMA.

**ENDANGERED OR THREATENED SPECIES**--The SMA is responsible for assuring that the leased land is examined prior to undertaking any surface-disturbing activities to determine effects upon any plant or animal species, listed or proposed for listing as endangered or threatened, or their habitats. The findings of this examination may result in some restrictions to the operator's plans or even disallow use and occupancy that would be in violation of the Endangered Species Act of 1973 by detrimentally affecting endangered or threatened species or their habitats.

The lessee/operator may, unless notified by the authorized officer of the SMA that the examination is not necessary, conduct the examination on the leased lands at his discretion and cost. This examination must be done by or under the supervision of a qualified resources specialist approved by the SMA. An acceptable report must be provided to the SMA identifying the anticipated effects of a proposed action on endangered or threatened species or their habitats.

## **FUTURE INTEREST PARCELS**

11-01-17 is subject to the following terms and conditions:

Prior to the effective date of the future interest lease, the successful bidder will be required to join any existing Federal unit agreement. Prior to the effective date of the future interest lease, or as soon thereafter as practical, the successful bidder will be required to join any existing private unit agreement. If unable to join, a statement giving satisfactory reasons for the failure to enter into such agreement(s) must be filed with the:

Bureau of Land Management  
Chief, Reservoir Management and  
Operations Section  
P.O. Box 36800  
Billings, Montana 59107-6800

If such statement is acceptable, the lessee shall be permitted to operate independently. Where the terms of the private unit agreement are in conflict with Federal regulations, the Federal regulations shall prevail.

Where a parcel is subject to a Federal communitization agreement (CA), the successful bidder will be required to join the Federal CA by joinder prior to the effective date of the lease.

The successful bidder, if not the present operator, is responsible for making a separate agreement with the present operator for compensation for improvements made on the leasehold. The United States will not be a party to, nor be involved in, negotiations for or review of such agreement.

By the effective date of the future interest lease or as soon thereafter as practical, the successful bidder shall furnish a copy of all approved State of North Dakota permits and other well-related information on all existing wells located on the future interest leased lands to the:

Bureau of Land Management  
Field Manager  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301-0940

The information includes but is not limited to applications for permit to drill, well completion reports, sundry notices, and site facility diagrams.

On or after the effective date of the future interest lease, all wells located on the future interest leased lands shall be subject to Federal oil and gas regulations, Federal onshore oil and gas orders, and notices to lessees. Applicable Federal regulations include, but are not limited to, the Oil and Gas Operations Regulations 43 CFR Part 3160 and the Minerals Management Service Regulations concerning Royalty Management 30 CFR Parts 200 through 243.

On or after the effective date of the future interest lease, all wells which share in allocation of production with the future interest lease shall be subject to the Federal oil and gas regulations, Federal onshore oil and gas orders, and notices to lessees as they pertain to production accountability. Applicable regulations are cited above.

Lease operations are expected to be in compliance with all Federal regulations, orders, and notices concerning production accountability on the effective date of the lease. A 90-day grace period will be allowed for compliance with Federal regulations, orders, and notices which are not related to production accountability.

For wells producing on the effective date of the lease and on which royalty is due anywhere on the lease site or allocated to a lease site, the lessee/operator shall notify the North Dakota Field Manager not later than the fifth business day after the effective date of the lease by letter, sundry notice (Form 3160-5), or orally followed by a letter or sundry notice, of the date on which such production began, which is the effective date of the lease. For wells not producing on the effective date of the lease, such notification of production is required by no later than the fifth business day after the well begins production (43 CFR 3162.4-1(c)).

On the effective date of the lease, the lessee/operator shall inventory stocks of liquid hydrocarbons on hand and/or install new gas charts. Monthly reports of operations (MROs), Form 3160, are required for all operating leases beginning on the effective date of the lease. The MROs shall be filed on or before the 15<sup>th</sup> day of the second month following the operations month (43 CFR 3162.4-3) with the:

Minerals Management Service  
Minerals Revenue Management  
P.O. Box 17110  
Denver, Colorado 80217-0110

The successful bidder is advised to contact the North Dakota Field Office at the above address or by telephone at (701) 227-7700, prior to the effective date of the lease so that a courtesy inspection may be conducted to ensure accountability of Federal production and compliance with Federal regulations, orders, and notices.

**BOND INFORMATION:** A lease bond (43 CFR Subpart 3104) in the amount of not less than \$10,000 conditioned upon compliance with all terms and conditions of the lease must be furnished prior to entry and commencement of lease operations. If the lease has a producing well and/or ancillary facilities on the effective date of the lease, a bond or evidence of a sufficient existing Federal oil and gas lease bond is required on the effective date of the lease. If the lease has a Federal Nationwide bond, or a Statewide bond for the State of North Dakota, no additional bond under the provisions of 43 CFR Subpart 3104 will be required.

## CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

Prior to surface disturbance on slopes over 30 percent, an engineering/reclamation plan must be approved by the authorized officer. Such plan must demonstrate how the following will be accomplished:

- Site productivity will be restored.
- Surface runoff will be adequately controlled.
- Off-site areas will be protected from accelerated erosion, such as rilling, gullyng, piping, and mass wasting.
- Water quality and quantity will be in conformance with state and federal water quality laws.
- Surface-disturbing activities will not be conducted during extended wet periods.
- Construction will not be allowed when soils are frozen.

On the lands described below:

For the purpose of:

To maintain soil productivity, provide necessary protection to prevent excessive soil erosion on steep slopes, and to avoid areas subject to slope failure, mass wasting, piping, or having excessive reclamation problems.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-10	T 10 N, R 24 E, PMM Sec. 24: NE
11-01-20	T 5 N, R 27 E, PMM Sec. 4: LOTS 1,2 4: NESE 8: SESW 28: SWNW
11-01-21	T 5 N, R 27 E, PMM Sec. 4: SWNE 6: LOTS 3,4,5 6: SENW
11-01-23	T 7 N, R 27 E, PMM Sec. 18: LOT 3 28: S2 32: LOTS 1,2,3,4 32: NWNE,N2NW
11-01-24	T 7 N, R 27 E, PMM Sec. 22: NWNE 24: SE 34: SWNW,NWSW

11-01-25	T 8 N, R 27 E, PMM Sec. 20: NESE 32: N2NE,SWNW 34: SWNE
11-01-28	T 6 N, R 28 E, PMM Sec. 18: LOTS 1,2,3,4 18: E2,E2W2 20: NE,SENE
11-01-29	T 6 N, R 28 E, PMM Sec. 24: N2NE,SENE,NENW 32: S2SE
11-01-31	T 7 N, R 28 E, PMM Sec. 8: E2E2 20: N2NW 22: NWNW
11-01-32	T 8 N, R 28 E, PMM Sec. 14: SENE,SWNW,NWSW,NESE 28: N2NW,N2SW,NWSE
11-01-34	T 9 N, R 28 E, PMM Sec. 34: SWSW
11-01-35	T 8 N, R 29 E, PMM Sec. 22: SENE,NESE
11-01-135	T 8 S, R 57 E, PMM Sec. 15: N2NE,SENE 18: NE,E2NW,NESW,N2SE 19: LOTS 3,4 19: E2SW,S2SE
11-01-136	T 8 S, R 57 E, PMM Sec. 28: N2NE 29: W2NW,SW 30: LOTS 1,2,3,4 30: E2,E2W2;
11-01-137	T 8 S, R 57 E, PMM Sec. 31: LOTS 1,2,3,4 31: E2,E2W2 32: W2
11-01-138	T 9 S, R 57 E, PMM Sec. 2: N2NE EXCLUDING 26.66 ACRES IN RESERVOIR ROW MTM 014079
11-01-139	T 7 S, R 58 E, PMM Sec. 1: LOTS 1,2,3,4 1: S2N2
11-01-140	T 7 S, R 58 E, PMM Sec. 6: LOTS 11-14 INCL 6: SE 7: E2

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-144	T 8 S, R 58 E, PMM Sec. 2: SENW 9: N2NW,SWNW 20: SWSW 30: LOTS 2,3,4,5,9,10
11-01-145	T 8 S, R 58 E, PMM Sec. 24: SESE 25: N2N2,SENE,S2SW,SWSE 26: SESW,S2SE 34: E2 35: S2N2,S2
11-01-150	T 8 S, R 59 E, PMM Sec. 17: ALL

## CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

Prior to surface disturbance, prairie dog colonies and complexes 80 acres or more in size will be examined to determine the absence or presence of black-footed ferrets. The findings of this examination may result in some restrictions to the operator's plans or may even preclude use and occupancy that would be in violation of the Endangered Species Act (ESA) of 1973.

The lessee or operator may, at their own option, conduct an examination on the leased lands to determine if black-footed ferrets are present, or if the proposed activity will have an adverse effect, or if the area can be cleared. This examination must be done by or under the supervision of a qualified resource specialist approved by the Surface Management Agency (SMA).

An acceptable report must be provided to the SMA documenting the presence or absence of black-footed ferrets and identifying the anticipated effects of the proposed action on the black-footed ferret and its habitat. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of:

To assure compliance with the Endangered Species Act (ESA) by locating and protecting black-footed ferrets and their habitat.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-25	T 8 N, R 27 E, PMM Sec. 2: S2NE,NWSE
11-01-26	T 10 N, R 27 E, PMM Sec. 8: E2
11-01-27	T 10 N, R 27 E, PMM Sec. 35: E2NE

## CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use is subject to the following special operating constraints.

All surface-disturbing activities, semi-permanent and permanent facilities in VRM Class II, areas may require special design, including location, painting, and camouflage, to blend with the natural surroundings and meet the visual quality objectives for the area.

On the lands described below:

For the purpose of:

To control the visual impacts of activities and facilities within acceptable levels.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-140	T 7 S, R 58 E, PMM Sec. 5: LOTS 1,2,3,4 5: S2N2,S2 6: LOTS 1-14 INCL 6: S2NE,SE 7: LOTS 1-12 INCL 7: E2
11-01-141	T 7 S, R 58 E, PMM Sec. 8: ALL 17: ALL 18: LOTS 1-12 INCL 18: E2
11-01-142	T 7 S, R 58 E, PMM Sec. 19: LOTS 1,2,3



## CONTROLLED SURFACE USE STIPULATION

Surface occupancy or use would be subject to the following special operating constraint: No disturbance of riparian areas of wetlands, intermittent, ephemeral, or perennial streams and rivers would be allowed except for essential road and utility crossings.

On the lands described below:

For the purpose of:

Protection of riparian habitat (NDRMP - p. 20).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-155	T 148 N, R 97 W, 5th PM Sec. 3: LOT 4 10: LOT 7 15: LOTS 1,2,3,4,5,6,8,9,10,11,12

## LEASE NOTICE

Land Use Authorizations incorporate specific surface land uses allowed on BLM administered lands by authorized officers and those surface uses acquired by BLM on lands administered by other entities. These BLM authorizations include rights-of-way, leases, permits, conservation easements, and Recreation and Public Purpose leases and patents.

The rights acquired, reserved, or withdrawn by BLM for specified purposes include non-oil and gas leases, conservation easements, archeological easements, road easements, fence easements, and administrative site withdrawals. The existence of such land use authorizations shall not preclude the leasing of the oil and gas. The locations of land use authorizations are noted on the oil and gas plats and in ALMRS/ORCA. The plats are a visual source noting location; ORCA provides location by legal description through the Geographic Cross Reference program.

The specifically authorized acreage for land use should be avoided by oil and gas exploration and development activities. All authorized surface land uses are valid claims to prior existing rights unless the authorization states otherwise.

The right of the Secretary to issue future land use authorizations on an oil and gas lease is reserved by provision of Section 29 of the Mineral Leasing Act, 30 U.S.C.

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-3	T 10 N, R 13 E, PMM A right-of-way exists for a county road on the section line between sections 12 and 13
11-01-8	T 10 N, R 24 E, PMM Sec. 8: N2NE,E2SE 17: N2NE,N2NENW 18: N2NENW
11-01-9	T 10 N, R 24 E, PMM Sec. 14: N2N2NW 15: NW (2 ROWs)
11-01-13	T 10 N, R 25 E, PMM At least three rights-of-way exist in a corridor that traverses diagonally across section 5
11-01-14	T 10 N, R 25 E, PMM Sec. 17: E2E2,W2SW 20: E2NENE
11-01-15	T 10 N, R 25 E, PMM Sec. 25: E2 (2 ROWs)
11-01-18	T 10 N, R 25 E, PMM Sec. 32: E2E2 33: W2 34: W2
11-01-21	T 5 N, R 27 E, PMM Sec. 6: Lots 3,4
11-01-24	T 7 N, R 27 E, PMM Sec. 22: N2NE
11-01-27	T 10 N, R 27 E, PMM Sec. 34: NE
11-01-30	T 6 N, R 28 E, PMM Sec. 34: N2NW,SWNW (Several ROWs)

## LEASE NOTICE

There are cultural sites in the following locations:

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-22	T 5 N, R 27 E, PMM Sec. 20: N2SW,SESW,SWSE

In accordance with 43 CFR 3101.1-2, additional mitigation may be required in regard to exploration and development.

## LEASE NOTICE

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-30	T 6 N, R 28 E, PMM Sec. 34: NENW

An occupied ranch dwelling is located in either the NWNE or the NENW.  
The operator may be subject to 43 CFR 3101.1-2.

## NO SURFACE OCCUPANCY STIPULATION

Surface occupancy and use is prohibited within 1/4 mile of grouse leks.

On the lands described below:

For the purpose of:

To protect the sharptail and sage grouse lek sites necessary for the long-term maintenance of grouse populations in the area.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-4	T 10 N, R 23 E, PMM Sec. 23: SWSW
11-01-7	T 10 N, R 23 E, PMM Sec. 27: NENE 35: N2NW
11-01-9	T 10 N, R 24 E, PMM Sec. 21: N2NE
11-01-12	T 10 N, R 24 E, PMM Sec. 30: SWNE,SENE,NESW

## NO SURFACE OCCUPANCY STIPULATION

Surface occupancy and use is prohibited within sites or areas designated for conservation use, public use, or sociocultural use.

On the lands described below:

For the purpose of:

To protect those cultural properties identified for conservation use, public use, and sociocultural use. (see definitions for use categories within BLM Manual 3111).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-6	T 10 N, R 23 E, PMM Sec. 25: NWNW,S2NW,SW,S2SE
11-01-7	T 10 N, R 23 E, PMM Sec. 34: NENE 35: N2
11-01-11	T 10 N, R 24 E, PMM Sec. 31: SWNE,SEnw,NESW,NWSE
11-01-13	T 10 N, R 25 E, PMM Sec. 7: SESW,SWSE 8: SESW
11-01-14	T 10 N, R 25 E, PMM Sec. 17: NWNE
11-01-20	T 5 N, R 27 E, PMM Sec. 20: NE 28: SWNW
11-01-21	T 5 N, R 27 E, PMM Sec. 6: Lot 6
11-01-22	T 5 N, R 27 E, PMM Sec. 19: SENE,NESE 20: SWNW,NWSW
11-01-27	T 10 N, R 27 E, PMM Sec. 34: SWNE 35: LOT 3 35: NESW
11-01-29	T 6 N, R 28 E, PMM Sec. 34: NENE

## NO SURFACE OCCUPANCY STIPULATION

Surface occupancy and use is prohibited within riparian areas, 100-year flood plains of major rivers, and on water bodies and streams.

On the lands described below:

For the purpose of:

To protect the unique biological and hydrological features associated with riparian areas, 100-year flood plains of major rivers, and water bodies and streams.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Parcel No.	Description of Lands
11-01-7	T 10 N, R 23 E, PMM Sec. 27: W2W2 35: N2NE,NENW
11-01-8	T 10 N, R. 24 E, PMM Sec. 17: E2NW
11-01-11	T 10 N, R 24 E, PMM Sec. 27: SESW 34: E2NW
11-01-12	T 10 N, R 24 E, PMM Sec. 28: NWNW,S2NE
11-01-18	T 10 N, R 25 E, PMM Sec. 30: SE
11-01-23	T 7 N, R 27 E, PMM Sec. 18: LOTS 1,2
11-01-25	T 8 N, R 27 E, PMM Sec. 2: E2 LOT 6 2: SWNE

## **NO SURFACE OCCUPANCY STIPULATION**

Surface occupancy and use is prohibited within 1/2 mile of known ferruginous hawk nest sites which have been active within the past 2 years.

On the lands described below:

For the purpose of:

To maintain the production potential of ferruginous hawk nest sites, which are very sensitive to disturbance and have been identified as Category 2 species under the Endangered Species Act (ESA).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Parcel No.	Description of Lands
11-01-13	T 10 N, R 25 E, PMM Sec. 7: SESE 8: SWSW
11-01-14	T 10 N, R 25 E, PMM Sec. 17: W2NW

## NO SURFACE OCCUPANCY STIPULATION

No surface occupancy (NSO) or use would be allowed within 200 feet of wetlands, lakes, and ponds on the lands described below (legal subdivision or other description).

On the lands described below:

For the purpose of:

Protection of wetlands (NDRMP - p. 20).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-154	T 162 N, R 83 W, 5 <sup>th</sup> PM Sec. 34: SESE

## NO SURFACE OCCUPANCY STIPULATION

Surface occupancy and use is prohibited within developed recreation areas and undeveloped recreation areas receiving concentrated public use.

On the lands described below:

For the purpose of:

To protect developed recreation areas and undeveloped recreation areas receiving concentrated public use.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-25	T 8 N, R 27 E, PMM Sec. 2: S2NE,NWSE

## TIMING LIMITATION STIPULATION

Surface use is prohibited from December 1 to March 31 within crucial winter range for wildlife. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of (reasons):

To protect crucial white-tailed deer, mule deer, elk, antelope, moose, bighorn sheep, and sage grouse winter range from disturbance during the winter use season, and to facilitate long-term maintenance of wildlife populations.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-3	T 10 N, R 23 E, PMM Sec. 12: S2 13: ALL 14: N2,SW
11-01-4	T 10 N, R 23 E, PMM Sec. 15: SENE,E2SE 23: NE,N2NW,SESW,N2SE,SESE
11-01-6	T 10 N, R 23 E, PMM Sec. 24: N2NENW,SENENW,W2NW,SENW 25: E2
11-01-8	T 10 N, R 24 E, PMM Sec. 18: LOTS 1,2,3,4 18: SWNE,E2W2 19: LOTS 1,2,3,4 19: E2,E2W2 20: NWNW,S2NW,SW
11-01-11	T 10 N, R 24 E, PMM Sec. 31: LOTS 1,2 31: NE,E2NW
11-01-12	T 10 N, R 24 E, PMM Sec. 29: W2 30: LOTS 1,2,3,4 30: NE,E2W2
11-01-13	T 10 N, R 25 E, PMM Sec. 6: LOTS 6,7 6: E2SW,SE 7: LOT 1 7: NE,NENW 8: S2NW,SW
11-01-15	T 10 N, R 25 E, PMM Sec. 22: N2NE

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-20	T 5 N, R 27 E, PMM Sec. 4: LOTS 1,2 4: SENE,NESE,S2S2 8: N2NE,NENW,SESW 12: W2NW 20: NE,SWSW,N2SE,SESE 28: NWNW
11-01-21	T 5 N, R 27 E, PMM Sec. 4: LOTS 3,4 4: SWNE,S2NW,N2SW,NWSE 6: LOTS 6,7 6: SENW,E2SW 7: LOTS 1,2,3,4 7: E2,E2W2 8: SWNE,NWNW,S2NW,N2SW,SWSW,NWSE
11-01-22	T 5 N, R 27 E, PMM Sec. 19: LOTS 1,2,3,4 19: E2,E2W2 20: NW,N2SW,SESW,SWSE 30: S2NE,SE 31: LOTS 2,3,4
11-01-23	T 7 N, R 27 E, PMM Sec. 28: S2 32: LOTS 1,2,3,4 32: NWNE,N2NW,NESE
11-01-24	T 7 N, R 27 E, PMM Sec. 22: N2NE 24: SE 34: N2NW,SWNW,NWSW
11-01-28	T 6 N, R. 28 E, PMM Sec. 8: NWNW 18: LOTS 1,2,3,4 18: E2,E2W2 20: ALL
11-01-29	T 6 N, R 28 E, PMM Sec. 32: W2NE,NW,N2SW
11-01-31	T 7 N, R 28 E, PMM Sec. 8: E2E2 20: NENE,N2NW,SWSW,SESE 22: NENE,NWNW,W2SW
11-01-33	T 9 N, . 28 E, PMM Sec. 10: NE,NESE
11-01-139	T 7 S, R 58 E, PMM Sec. 13: All

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-141	T 7 S, R 58 E, PMM Sec. 18: E2
11-01-145	T 8 S, R 58 E, PMM Sec. 25: N2N2,SENE,S2SW,SWSE
11-01-146	T 8 S, R 59 E, PMM Sec. 1: LOTS 1,2,3,4 1: W2E2,W2
11-01-153	T 8 S, R 59 E, PMM Sec. 31: LOTS 1,2,3,4 31: NWNW,S2N2,N2S2 32: SWNE,S2NW,N2SW,NWSE

## TIMING LIMITATION STIPULATION

Surface use is prohibited from March 1 to June 15 in grouse nesting habitat within 2 miles of a lek. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of (reasons):

To protect sharptail and sage grouse nesting habitat from disturbance during spring and early summer in order to maximize annual production of young and to protect nesting activities adjacent to nesting sites for the long-term maintenance of grouse populations in the area.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-3	T 10 N, R 23 E, PMM Sec. 13: NWSW,S2SW,SE 14: S2NE,W2
11-01-4	T 10 N, R 23 E, PMM Sec. 15: ALL 23: ALL
11-01-6	T 10 N, R 23 E, PMM Sec. 24: E2,N2NENW,SENENW,W2NW,SENW,SW 25: ALL
11-01-7	T 10 N, R 23 E, PMM Sec. 27: ALL 34: E2 35: ALL
11-01-8	T 10 N, R 24 E, PMM Sec. 17: NE,E2NW 18: LOTS 2,3,4 18: SENW,E2SW 19: LOTS 1,2,3,4 19: E2,E2W2 20: NWNW,S2NW,SW,W2SE
11-01-9	T 10 N, R 24 E, PMM Sec. 14: W2 15: NW 21: E2
11-01-11	T 10 N, R 24 E, PMM Sec. 27: SESW,NESE,S2SE 31: LOTS 1,2,3,4 31: E2,E2W2

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-12	T 10 N, R 24 E, PMM Sec. 28: E2,SESW 29: ALL 30: LOTS 1,2,3,4 30: NE,E2W2
11-01-18	T 10 N, R 25 E, PMM Sec. 34: NE EXCL 2 AC IN NENE,W2,SE
11-01-22	T 5 N, R 27 E, PMM Sec. 30: S2SE 31: LOTS 1,2,3,4 31: E2,E2W2 32: W2
11-01-137	T 8 S, R 57 E, PMM Sec. 32: W2
11-01-140	T 7 S, R 58 E, PMM Sec. 5: LOTS 3,4 5: S2N2,S2 6: LOTS 1-11 INCL 6: S2NE,NWSE

## **TIMING LIMITATION STIPULATION**

Surface use is prohibited from March 1 - August 1, within ½ mile of raptor nest sites which have been active within the past 2 years. This stipulation does not apply to the operation and maintenance of production facilities.

On the lands described below:

For the purpose of (reasons):

To protect nest sites of raptors which have been identified as species of special concern in Montana, North or South Dakota.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-153	T 8 S, R 59 E, PMM Sec. 31: LOTS 2,4 31: S2NE,NESW,N2SE 32: LOTS 1,2 32: SWNW,N2SW

## **TIMING LIMITATION STIPULATION**

Surface occupancy or use would be subject to the following special operating constraint: No seismic exploration would be allowed within 500 feet of waterfowl nesting habitat during the following time period(s): between March 1 and July 1. This stipulation does not apply to operation and maintenance of production facilities.

On the lands described below:

For the purpose of (reasons):

Protection of nesting waterfowl (NDRMP - p. 20).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-154	T 162 N, R 83 W, 5th PM Sec. 34: SESE

**NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM  
UNDER JURISDICTION OF  
DEPARTMENT OF AGRICULTURE**

The permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of Interior in the permit. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of an exploration plan by the Secretary of the Interior, (2) uses of all existing improvements, such as forest development roads, within and outside the area permitted by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by an exploration plan approved by the Secretary of the Interior.

All matters related to this STIPULATION are to be addressed to:

District Ranger, McKenzie Ranger District  
Dakota Prairie Grasslands  
HC02, BOX 8  
Watford City, ND 58854

who is the authorized representative of the Secretary of Agriculture.

**CULTURAL AND PALEONTOLOGICAL RESOURCES** - The FS is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the FS, shall:

1. Contact the FS to determine if a site-specific cultural resource inventory is required. If a survey is required, then:
2. Engage the services of a cultural resource specialist acceptable to the FS to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the FS for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the FS and the BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

The lessee or operator shall immediately bring to the attention of the FS and the BLM any cultural or paleontological resources or any other objects of scientific interest discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the FS and the BLM.

**FLOODPLAIN AND WETLANDS** - The lessee is hereby notified that this lease may contain land within a riparian ecosystem (Management Area M, Custer Forest Plan, page 80). All activities within this area may be highly restricted in order to comply with Executive Order 11988 - *Floodplain Management* and Executive Order 11990 - *Protection of Wetlands*, in order to preserve and restore or enhance the natural and beneficial values served by floodplains and wetlands.

Management Area M, the riparian ecosystem, will be managed by the Forest Service to protect from conflicting uses in order to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation. Occupancy and use of lands within Management Area M proposed in a Surface Use Plan of Operations will be considered in an environmental analysis done to identify the mitigation measures necessary to protect the riparian area. Special measures such as road design, well pad size and location or directional drilling, may be made part of the permit authorizing the activity.

**NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM  
UNDER JURISDICTION OF  
DEPARTMENT OF AGRICULTURE**

The permittee/lessee must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use and management of the National Forest System (NFS) when not inconsistent with the rights granted by the Secretary of Interior in the permit. The Secretary of Agriculture's rules and regulations must be complied with for (1) all use and occupancy of the NFS prior to approval of an exploration plan by the Secretary of the Interior, (2) uses of all existing improvements, such as forest development roads, within and outside the area permitted by the Secretary of the Interior, and (3) use and occupancy of the NFS not authorized by an exploration plan approved by the Secretary of the Interior.

All matters related to this STIPULATION are to be addressed to:

District Ranger, Medora Ranger District  
Dakota Prairie Grasslands  
161 21<sup>st</sup> Street West  
Dickinson, ND 58601-3135

who is the authorized representative of the Secretary of Agriculture.

**CULTURAL AND PALEONTOLOGICAL RESOURCES** - The FS is responsible for assuring that the leased lands are examined to determine if cultural resources are present and to specify mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator, unless notified to the contrary by the FS, shall:

1. Contact the FS to determine if a site-specific cultural resource inventory is required. If a survey is required, then:
2. Engage the services of a cultural resource specialist acceptable to the FS to conduct a cultural resource inventory of the area of proposed surface disturbance. The operator may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the FS for review and approval at the time a surface-disturbing plan of operation is submitted.
3. Implement mitigation measures required by the FS and the BLM to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures. All costs of the inventory and mitigation will be borne by the lessee or operator, and all data and materials salvaged will remain under the jurisdiction of the U.S. Government as appropriate.

The lessee or operator shall immediately bring to the attention of the FS and the BLM any cultural or paleontological resources or any other objects of scientific interest discovered as a result of surface operations under this lease, and shall leave such discoveries intact until directed to proceed by the FS and the BLM.

**FLOODPLAIN AND WETLANDS** - The lessee is hereby notified that this lease may contain land within a riparian ecosystem. All activities within this area may be highly restricted in order to comply with Executive Order 11988 - *Floodplain Management* and Executive Order 11990 - *Protection of Wetlands*, in order to preserve and restore or enhance the natural and beneficial values served by floodplains and wetlands.

Riparian ecosystem, will be managed by the Forest Service to protect from conflicting uses in order to provide healthy, self-perpetuating plant and water communities that will have optimum diversity and density of understory and overstory vegetation. Occupancy and use of lands within riparian ecosystems proposed in a proposed Surface Use Plan of Operations will be considered in an environmental analysis done to identify the mitigation measures necessary to protect the riparian area. Special measures such as road design, well pad size and location or directional drilling, may be made part of the permit authorizing the activity.

## **USDA-FOREST SERVICE**

### **THREATENED, ENDANGERED, AND SENSITIVE PLANT OR ANIMAL SPECIES LEASE NOTICE**

The lease area may contain threatened and endangered species or habitat necessary for the continued existence of threatened, proposed and endangered species which are protected by the 1973 Endangered Species Act, as amended (50 CFR 402). The lease area may also contain habitat or species, listed as sensitive, which may require protective measures to prevent them from being listed as threatened or endangered or result in a loss of viability or biological diversity (36 CFR 219.19 or 219.26). A biological evaluation of the leased lands may be required prior to surface-disturbance to determine if threatened, endangered, or sensitive plant or animal species or their habitat are present and to identify needed mitigation measures. Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the lessee or operator shall:

1. Contact the Forest Service to determine if a biological evaluation is required (FSM 2670.31-32). The Forest Service is responsible for ensuring that the leased land is examined through a biological evaluation, prior to undertaking any surface-disturbing activities, to determine effects upon any plant or animal species listed or proposed for listing as threatened, endangered, or sensitive.
2. The lessee or operator may choose to conduct the evaluation on the leased lands at their discretion and cost. This biological evaluation must be done by or under the supervision of a qualified biologist/botanist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of a proposed action on threatened, endangered, or sensitive species. An acceptable biological evaluation is to be submitted to the Forest Service for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface-disturbing operation is submitted.
3. Implement mitigation measures required by the Forest Service. Mitigation may include the relocation of proposed lease-related activities or other protective measures. The findings of the biological evaluation may result in some restrictions to the operator's plans or even disallow use and occupancy to comply with the 1973 Endangered Species Act (as amended), threatened and endangered regulations and Forest Service regulations.

If threatened, endangered, or sensitive plant or animal species are discovered in the area after any required biological evaluation has concluded, an evaluation will be conducted to assess the effect of ongoing and proposed activities. Based on the conclusion drawn in the evaluation, additional restrictions or prohibitions may be imposed to protect the species or their habitats.

## NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For the purpose of:

Avoidance of steep slopes exceeding 40 percent to protect fragile soils and avoid mass slope failure (Management Area B, Custer Forest Plan, page 46).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-156	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 19: Portions of Lots 3,4, E2SW,SE
11-01-157	T 149N, R97 W, 5 <sup>th</sup> PM Sec. 19: Portions of NWNE
11-01-158	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 23: Portions of W2SW,SESW,NESE 25: Portions of NWNE,S2NE,E2NW,NESW,N2SE,SWSE 26: Portions of W2NE,N2NW,NWSW 35: Portions of NE,NENW,SW,NESE,W2SE
11-01-159	T 146 N, R 101 W, 5 <sup>th</sup> PM Sec. 22: Portions of NW, N2SW
11-01-160	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 32: Portions of SENW, E2SW, SESE 33: Portions of S2S2
11-01-161	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 18: Portions of Lot 4, SESW 20: Portions of S2NE,E2SW,SE 24: Portions of NE,N2NW,SENW 26: Portions of Lots 1,3,4,5,6,W2NW,S2 30: Portions of S2NE,SENW
11-01-162	T 146 N, R 102 W, 5 <sup>th</sup> PM Sec. 30: Portions of E2SW
11-01-165	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 15: Portions of NWNW,S2NW,S2
11-01-167	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 26: Portions of NWNE,NENW,E2SW,NWSE 28: Portions of SENW,NWSE
11-01-168	T 140 N, R 103 W, 5 <sup>th</sup> PM Sec. 4: Portions of N2SW 22: Portions of SENE,NWNW,S2NW,SW,NWSE,SESE
11-01-169	T 147 N, R 105 W, 5 <sup>th</sup> PM Sec. 2: Portions of N2SE

## NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For the purpose of:

To meet the goals and management standards for woody draws (Management Area N, Custer Forest Plan, pages 83-84, as amended); to provide healthy, self-perpetuating plant communities that will have optimum diversity and density of understory and overstory vegetation.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-156	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 19: Portions of Lots 3,4,E2SW,SESE
11-01-157	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 19: Portions of NWNE
11-01-158	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 23: Portions of W2SW,SESW 25: Portions of NWNE,S2NE,E2NW,NESW,N2SE,SWSE 26: Portions of NWNE,N2NW,NWSW 35: Portions of NE,NENW,SW,W2SE
11-01-159	T 146 N, R 101 W, 5 <sup>th</sup> PM Sec. 22: Portions of NW, N2SW, SWSW
11-01-160	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 32: Portions of SENW, E2SW, SESE 33: Portions of S2S2
11-01-161	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 18: Portions of Lot 1,3,4,SENW,E2SW 20: Portions of S2NE,SE 24: Portions of NE,N2NW,SENW 26: Portions of Lots 1,3,4,5,6,W2NW,S2 30: Portions of SENE
11-01-162	T 146 N, R 102 W, 5 <sup>th</sup> PM Sec. 30: Portions of Lots 1,2,3,4, SENW,E2SW
11-01-163	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 6: Portions of E2SW,NESE
11-01-164	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 8: Portions of NESW,SE 18: Portions of NENE,SENW 19: Portions of Lots 2,3, N2NE,E2NW 20: Portions of NWSE
11-01-165	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 14: Portions of NENW,SWNW 15: Portions of All
11-01-166	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 20: Portions of W2NW
11-01-167	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 26: Portions of N2,N2SW,SESW,N2SE,SWSE 28: Portions of NE,N2SE
11-01-168	T 140 N, R 103 W, 5 <sup>th</sup> PM Sec. 4: Portions of N2SW,SESW 22: Portions of SENE,NW,NESW,S2SW,N2SE,SESE

## NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For the purpose of:

To maintain the 1/4 mile no disturbance zone around Prairie Falcon nests (Custer Forest Plan, page 19).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-158	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 23: Portions of NESE

## NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For the purpose of:

Meeting a Visual Quality Objective (VQO) and retention in the foreground seen areas of the Little Missouri River and VQO of partial retention in the foreground and middleground seen area of the Theodore Roosevelt National Park (Management Area B, Custer Forest Plan, page 47).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-160	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 32: Portions of SENW
11-01-161	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 24: Portions of S2NW 26: NWNW; Portions of Lots 1,3,4,5,6 30: NESW, Portions of SENW
11-01-167	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 26: Portions of SESE

## **NO SURFACE OCCUPANCY STIPULATION**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For the purpose of:

To protect the significant cultural and archeological resources that occur in the area (Management Areas B, C, and J, Custer Forest Plan).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-161	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 26: W2SW; Portions of Lot 4, SWNW, E2SW

## NO SURFACE OCCUPANCY STIPULATION

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

For the purpose of:

To maintain the 1/4 mile no disturbance zone around Golden Eagle nests (Custer Forest Plan, page 19).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-165	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 15: Portions of S2NE,SE

## TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

February 15 to May 1 (inactive nests)

February 15 to July 15 (active nests)

On the lands described below:

For the purpose of (reasons):

Minimizing disturbance of the lands within 1/2 mile of the Golden Eagle nests during the critical nesting season (Custer Forest Plan, pages 19 and 46).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-158	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 25: Portions of SENE, NESE
11-01-161	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 24: Portions of NWNW 26: Portion of SWSW
11-01-164	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 18: Portions of Lots 1,2
11-01-165	T 147 N, R 102 W, 5 <sup>th</sup> PM Sec. 14: Portions of W2NW 15: Portions of NE,N2NW,SENW,NESW,S2S2,NWSE

## TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

February 15 to May 1 (inactive nests)

February 15 to July 15 (active nests)

On the lands described below:

For the purpose of (reasons):

Minimizing disturbance of the prairie falcon nests during the critical nesting season (Custer Forest Plan, pages 19 and 46).

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel No.</u>	<u>Description of Lands</u>
11-01-158	T 149 N, R 97 W, 5 <sup>th</sup> PM Sec. 23: Portions of NESE 25: Portions of NWNE, E2NW 26: Portions of NWNE

**TIMING LIMITATION STIPULATION**

No surface use is allowed during the following time period(s). This stipulation does not apply to operation and maintenance of production facilities.

Memorial Day through Labor Day

On the lands described below:

For the purpose of (reasons):

Meeting a Visual Quality Objective (VQO) of partial retention in the foreground and middleground seen area of Theodore Roosevelt National Park. (Management Area B, Custer Forest Plan, page 47). Prohibition of drilling activity during the tourist season will help mitigate visual impacts to the Park.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

Parcel No.	Description of Lands
11-01-161	T 147 N, R 101 W, 5 <sup>th</sup> PM Sec. 24: E2NE; portions of W2NE